FEDERAL REGISTER

VOLUME 13 NUMBER 230

Washington, Thursday, November 25, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Grain Sorghums Bulletin 1, Amdt. 4]

PART 263—GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3830, 4659, 5524, 5807, governing the making of loans on grain sorghums produced in 1948, are hereby further amended as follows:

The county loan rates in paragraph (c) *County loan rates,* of § 263.224 *Loan rates,* are amended as follows:

1. To the schedule of county rates for California add the following:

County:	*Rate*
Los Angeles	$2.80

2. The county loan rates for Curry, Quay and Roosevelt Counties in New Mexico are deleted and the following rates substituted in lieu thereof:

County	*Rate*
Curry	$2.25
Quay	2.23
Roosevelt	2.22

3. To the schedule of county rates for South Dakota add the following:

County:	*Rate*
Jones	$2.28

4. The county loan rate for Hartley County, Texas, is changed from $2.22 to $2.24.

Issued this 19th day of November 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 48-10286; Filed, Nov. 24, 1948; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[No. 1169]

PART 203—OPERATION

LOANS AND INVESTMENTS

NOVEMBER 22, 1948.

Resolved that, notice having been given pursuant to paragraph (c) of § 201.2 of the rules and regulations for the Federal Savings and Loan System (24 CFR 201.2 (c)), Part 203 of said regulations (24 CFR, Part 203) is hereby amended effective November 25, 1948, by deleting therefrom the provisions of §§ 203.4, 203.10, 203.11, 203.12, 203.13 (b), 203.20, and 203.21 (24 CFR 203.10, 203.11, 203.12, 203.13 (b) 203.20, and 203.21) and inserting therein the following:

§ 203.10 *Real estate loans*—(a) *Definitions.* As used in this section:

(1) The term "loans on the security of first liens" on improved real estate means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold extending or renewable automatically for a period of at least 50 years) specific security for the payment of the obligation secured by such instrument, provided the instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjugated to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

(2) The term "home" means real estate upon which there is located a dwelling or dwellings for not more than four families.

(3) The term "combination of home and business property" means real property which is used in part for business purposes and in part for residence purposes for not more than four families, provided the use as a residence is of a bona fide character.

(4) The term "other improved real estate" means real estate other than a

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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home or combination home and business property which, because of its state of improvement, produces sufficient income to maintain the property and retire the loan in accordance with the terms thereof.

(5) The term "improved real estate" means real estate which is, or which from the proceeds of the loan will become, a home, combination of home and business property, or other improved real estate.

(6) The term "installment loan" means any loan repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period: *Provided, however,* That the loan contract shall not require any subsequent periodic payment to be greater than any previous periodic payment.

(7) The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(8) The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(b) *Lending powers under sections 13 and 14 of Charter K*—Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of this section are hereby approved by the Board:

(1) *Homes or combination of homes and business property*—(i) *Monthly installment loans.* Installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(*b*) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(*c*) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

(ii) *Other installment loans.* Loans of any type that such an association may make on a monthly installment basis may also be made with interest payable at least semi-annually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 5 years, or, subject to the limitations of paragraph (h) of this section (for which purpose all such loans as are not fully repayable within 5 years shall be deemed "Non-installment Loans"), within 15 years: *Provided,* That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(iii) *Loans without full amortization.* Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal: *Provided,* That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further* That, if the members have authorized loans to be made without full amortization up to such higher percentage,

such loans may be made for an amount not in excess of 60 percent of the value and for a term of not more than 3 years.

(2) *Other improved real estate*—(i) *Monthly installment loans.* Installment loans may be made on other improved real estate for an amount not in excess of 50 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made upon such security for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) The maximum percentage acceptable to the insuring agency, if an insured loan;

(*b*) 75 percent of the value of five-family or six-family residential property;

(*c*) 60 percent of the value of residential property for more than six families but for not more than twelve families;

(*d*) 66⅔ percent of the value of property used primarily for residential purposes: *Provided,* That the loan is an installment loan repayable monthly within a period of 15 years;

(*e*) 60 percent of the value of real estate which is improved by an income-producing structure thereon: *Provided,* That the loan is an installment loan repayable monthly within a period of 15 years;

(*f*) The percentage of value that such an association may otherwise lend under this sub-paragraph plus the amount guaranteed, if a guaranteed loan: *Provided,* That any percentage of value may be loaned if at least 20 percent of the loan is guaranteed.

(ii) *Other loans.* Loans of any type that such an association may make on a monthly installment basis may also be made upon any other plan of repayment: *Provided,* That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further* That, if the members have authorized loans to be made without full amortization up to such higher percentage of the value of other improved real estate used primarily for residential purposes, such loans may be made for an amount not in excess of 60 percent of the value thereof and for a term of not more than 3 years.

(c) *Lending powers under sections 11 and 12 of Charter E.* Any Federal association which has Charter E may, under sections 11 and 12 thereof, make monthly installment loans, repayable in not less than 5 nor more than 20 years, on the security of first liens on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, and on other improved real estate for a amount not in excess of 50 percent of the value thereof.

(d) *Lending powers under other charter provisions.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon authorization by its board of directors and without further action by its members, make the following types of loans and the use by any such association of the applicable loan plans, practices, procedures, and maximum lending percentages is hereby approved by the Board:

(1) Any loan that a Federal association which has Charter K may make under paragraph (b) of this section;

(2) Any guaranteed loan on the security of a lien, other than a first lien, on real estate: *Provided,* At least 20 percent of the loan is guaranteed.

(e) *Participation loans.* Any Federal association may participate with other lenders in making loans of any type that such an association may otherwise make: *Provided,* That:

(1) The real estate security is located within such association's regular lending area;

(2) Each of the lenders is either an instrumentality of the United States Government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation.

(f) *Purchase of loans.* Any Federal association may purchase loans of any type that it may make: *Provided,* That no loan may be purchased from an affiliated institution without the prior approval of the Board, or from a director, officer, or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law: *And provided further* That if such an association increases its savings accounts as a part of any such purchase it shall obtain such approval as is required by § 301.17 of the rules and regulations for insurance of accounts.

(g) *Lending area.* The regular lending area of a Federal association consists of the area within a radius of fifty miles from such association's home office and, in the case of a Federal association which is converted from a State-chartered institution, that territory beyond fifty miles from its home office in which such association made loans while operating under State charter. Any Federal association may make loans in its regular lending area and, within the 15-percent-of-assets limitation as defined in paragraph (h) of this section, in other territory: *Provided,* That such association shall comply with § 301.11 of the rules and regulations for insurance of accounts. Each converted association that desires to continue to make loans beyond fifty miles from its home office in territory in which it made loans while operating under State charter shall file with the Board a map showing the territory within which such association made loans while operating under State charter. For the purpose of this paragraph a county is the unit of "territory" in which a converted association made loans beyond a radius of fifty miles from its home office while operating under State charter.

(h) *Real estate loans and investments subject to 15-percent-of-assets limitation.* Any Federal association may make loans of the types enumerated in subparagraphs (1) through (4) of this paragraph on the security of first liens on improved real estate only when the resulting aggregate amount of the following investments does not exceed 15 percent of the association's assets:

(1) Loans in excess of $20,000, after deducting each part of any such loan, if secured by a blanket mortgage, which is apportionable in an amount not exceeding $20,000 to each home or combination of home and business property which is a part of the security.

(2) Loans on other improved real estate.

(3) Loans on improved real estate located beyond the association's regular lending area.

(4) Non-installment loans.

(5) Real estate owned, except

(i) Property owned and occupied by the association as an office;

(ii) Homes or combination of homes and business property which are located within the regular lending area and which have a book value of not more than $20,000 each;

Provided, That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition thereto of § 14.1 as set out in these rules and regulations, or by any Federal association which has a charter in any other form not inconsistent with the provisions of this section, is exempt from the limitations of this paragraph.

(i) *Loans to directors, officers, or employees.* A Federal association may not make any real estate loans to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except loans on the security of a first lien on the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(j) *Appraisals.* No loan shall be made by any Federal association until at least two qualified persons designated by its board of directors shall have submitted a signed appraisal of the real estate security; or, if an insured or guaranteed loan, until two qualified persons designated by the board of directors (one of whom may be the appraiser accepted by the insuring or guaranteeing agency) shall have concurred in or approved, in writing, the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency: *Provided,* That any Federal association which has amended its Charter by the addition thereto of § 14.1 as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, when authorized by its board of directors, make any loan after a qualified person designated by such board of directors shall have submitted a signed appraisal of the real estate security and may make any insured or guaranteed loan on the basis of a valuation of the real estate security furnished to such Federal association by the insuring or guaranteeing agency.

(k) *Initial loan charges.* No director, officer, or employee of a Federal association, and no person or firm regularly serving such association in the capacity of attorney-at-law, may receive from the association or from any other source any fee or other compensation of any kind in connection with the procuring of any particular loan from or by such association. Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any persons, including any such director, officer, employee, attorney or firm rendering such services. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

(l) *Loan contract.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(m) *Loan payments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness. Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than sixty days after the advance of the loan; insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency and the Board hereby approves for use by any Federal association a loan plan wherein payments on any construction loans that such association may otherwise make under this section shall begin not later than 6 months after the date of the first advance. The Board hereby approves for use by any Federal association, except Federal associations that have Charter E, a loan plan wherein the association may require the payment of not more than six months' advance interest on the amount of any prepayment on a loan when the aggregate amount of such prepayments in any one year equals or exceeds twenty percent of the original principal amount of the loan: *Provided,* That the loan contract makes express provision therefor.

(n) *Reserve for uncollected interest.* A "Reserve for Uncollected Interest" shall be maintained equivalent to all interest in default more than 90 days.

§ 203.11 *Loans on savings accounts.* Any Federal association may make loans on the security of its savings accounts, whether or not the borrower is the owner of such account: *Provided,* That the association obtains a lien upon, or a pledge of, such savings account as security therefor. No such loan may exceed the withdrawal amount of the savings account securing the loan or the maximum percentage thereof which the association is authorized by its charter to lend upon such security, whichever is less, and no such loan may be made when the association has any application for withdrawal which has been on file more than 30 days and not reached for payment.

§ 203.12 *Unsecured loans.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 as set out in these rules and regulations, and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loan at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property: *Provided,* That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 203.10 (g) of these rules and regulations;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years.

And provided further That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency and in an amount not exceeding $2,500: *Provided,* That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

Resolved that the general purposes intended by the foregoing being relief from certain restrictions, the clarification and simplification of interpretative rules and the giving of adequate time to Federal associations to prepare for action pursuant thereto as desired at their next annual meetings, together with the fact that new restrictions constitute only a very minor part of the whole, requiring no time nor preparatory action by such associations, all constitute good cause for not deferring the effective date hereof beyond that above set forth.

(Sec. 5 (a) (d), 48 Stat. 132, 133; 12 U. S. C. 1464 (a) (d), Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-10309; Filed, Nov. 24, 1948; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5671]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. On September 9, 1948, notice of proposed rule-making regarding the bottling of tax-paid distilled spirits, was published in the FEDERAL REGISTER (13 F R. 5240)

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 189.7, 189.14,

189.16, 189.22, 189.35, 189.36, 189.38, 189.39, 189.40, 189.43, 189.44, 189.48, 189.58, 189.62, 189.69, and 189.100 of Regulations 11 (26 CFR, Part 189) approved May 20, 1940, are hereby adopted.

3. These amendments are designed to provide standard graduations for beams of weighing tanks; to simplify requirements dealing with the preparation, filing, and consideration of certain documents required for the qualification and operation of tax-paid bottling houses; to establish procedure for the receipt of distilled spirits by pipe line from a distillery contiguous to, or in the immediate vicinity of, a tax-paid bottling house, for bottling; and to facilitate procurement of stamps. It is not intended by these amendments to require proprietors of tax-paid bottling houses to file additional plats and plans, or to change equipment, immediately, in cases where the existing documents and equipment conform essentially to the regulations prior to these amendments. Upon changing the premises or equipment, and filing new plats and plans, these new requirements must be observed.

§ 189.7 *Buildings or rooms.* The tax-paid bottling house must be so constructed and equipped as to be suitable for the bottling of spirits. Except as provided in § 189.9, and as to necessary openings for the passage of approved distilled spirits, utility and similar pipe lines, as provided by the regulations in this part, Regulations 4 (26 CFR, Part 183) and Regulations 15 (26 CFR, Part 190) the room or building must be completely separated from contiguous buildings or rooms by solid, unbroken partitions and floors of substantial construction. If the tax-paid bottling house is in the same building in which is located an internal revenue bonded warehouse or rectifying plant, the two premises must have no means of interior communication with each other, except by approved pipe lines, and as specifically provided herein. Where a tax-paid bottling house has heretofore been established under the same roof or in the same building with an internal revenue bonded warehouse or a rectifying plant, with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized. When a bottling-in-bond department is operated temporarily as a tax-paid bottling house, as provided by the regulations in this part and Regulations 6 (26 CFR, Part 188) communication between the bottling house and warehouse within the building may continue. (Secs. 2871, 3176, I. R. C.)

§ 189.14 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5-pound graduations for scales up to and including 25 tons capacity, in 10-pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity, and in 20-pound graduations for scales having a capacity of more than 60 tons. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.16 *Storage tanks.* If distilled spirits are received in tank cars or by pipe line, suitable storage tanks must be provided within which to store such spirits, unless the spirits are run directly into bottling tanks as provided in § 189.58. Each storage tank shall be constructed of metal, and shall be of uniform dimensions from top to bottom. Each such tank shall be mounted on accurate scales, or equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There shall be painted on each tank the words, "Storage Tank," followed by its serial number and capacity in wine gallons. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. A suitable board shall be provided on each storage tank for the attachment of Forms 1520 and 1440, as hereinafter prescribed. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.22 *Pipe lines.* Pipe lines used for the conveyance of tax-paid rectified spirits from bottling tanks in a contiguous rectifying plant to bottling tanks in the tax-paid bottling house, must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 15 (26 CFR, Part 190) Pipe lines used for the conveyance of tax-paid distilled spirits from the cistern room of a distillery to the bottling tanks or storage tanks in the tax-paid bottling house, must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 4 (26 CFR, Part 183). Pipe lines used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations, must be independent ones, without any connection with any other pipe, tank, vessel, or utensil on the tax-paid bottling house premises, except the distilled water storage tank: *Provided,* That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. Such pipe lines must be constructed of metal, and exposed to view throughout their entire lengths. The metal pipe lines in the tax-paid bottling house used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other, and from all other pipe lines on the premises which are painted, but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.35 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 189.36 *Depiction of premises.* Plats must show the outer boundaries of the tax-paid bottling house premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27-E. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way, opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. If the tax-paid bottling house consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from, and egress to, a public street or yard shall be shown. Except as provided in § 189.42, all pipe lines leading to or from the premises, the purpose for which used, and points of origin and termination will be indicated on the plat. (Secs. 2871, 3176, I. R. C.)

§ 189.38 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion and shall also show the means of ingress and

egress to the street. All apparatus and equipment must be shown in their exact location on the floor plans and their designated use indicated. Pipe lines may be shown, if desired. In the case of water stills, tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2871, 3176, I. R. C.)

§ 189.39 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as dump tanks, bottling tanks, filters, etc., must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 189.42, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2871, 3176, I. R. C.)

§ 189.40 *Pipe lines to rectifying plant or distillery.* The plans shall show pipe lines, if any, connecting the tax-paid bottling house with a rectifying plant or with the cistern room of a distillery for the transfer of tax-paid distilled spirits for bottling. The plans will show the relative location of the bottling house and the distillery or rectifying plant and also the bottling tank or storage tank to which such pipe lines are connected. (Secs. 2871, 3176, I. R. C.)

§ 189.43 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman, and the district supervisor, substantially in the following form:

_____
(Name of proprietor)
_____
(Address)
Accuracy certified by:
_____
(Name and capacity—for the proprietor)
_____
(Draftsman)
_____, 19__ Sheet No. ____
(Date)
Approved_____
(Date)
_____
(District supervisor)
(Date)
(District supervisor)
TPBH No. ____

(Secs. 2871, 3176, I. R. C.)

§ 189.44 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2871, 3176, I. R. C.)

§ 189.48 *Procedure applicable.* The action by the district supervisor in connection with the establishment, and changes subsequent to establishment, of tax-paid bottling houses will be in accordance with the procedure, insofar as applicable, prescribed by the regulations governing the establishment, and changes subsequent to establishment, of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse: *Provided,* That where a bottling-in-bond department is operated alternately as a tax-paid bottling house, the district supervisor may authorize change in operations in accordance with Regulations 6 (26 CFR, Part 188) (Secs. 2871, 3176, I. R. C.)

§ 189.58 *Deposit in bottling house.* When spirits are received, the same must be deposited in the tax-paid bottling house. When distilled spirits are received at a tax-paid bottling house in a railroad tank car, or by pipe line from a distillery contiguous to or in the immediate vicinity of, the tax-paid bottling house, the same must be transferred or conveyed into storage tanks, unless the spirits are transferred or conveyed directly from the tank car or pipe line to bottling tanks. Distilled spirits may be shipped in tank cars to a tax-paid bottling house only where the bottling house is equipped with suitable railroad siding facilities. (Secs. 2871, 3176, I. R. C.)

§ 189.62 *Disposition of gauge report.* When distilled spirits received in a tank car or by a pipe line from a distillery are run into a storage tank, the report of gauge, Form 1520, in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, sent to the proprietor of the tax-paid bottling house by the shipper, shall be attached to such storage tank. The proprietor shall enter the date and quantity of removals from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the proprietor, available for inspection by Government officers. If the distilled spirits are transferred directly from the tank car or by a pipe line from the distillery, into a bottling tank, the proprietor shall make a note to that effect on the report of gauge and file it. The requirements of this section shall not preclude bottling of the distilled spirits prior to receipt of Forms 1520 or 1440 when the distilled spirits are received by tank car. (Secs. 2871, 3176, I. R. C.)

§ 189.69 *Unstamped spirits.* When a stamp has been lost or mutilated by accident so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. Where spirits received in tank cars bearing certificate of taxpayment, Form 1595, or spirits received by pipe line from the cistern room of a distillery, or rectified spirits by pipe line from a contiguous rectifying plant, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. ___, dated ___, heretofore submitted," or "Form 1520 dated _____, pipe line transfer on Form 1595, Serial No. ____," or "See Form 237, S/N ____ Dated _____," or "In stamped bottles," as the case may be. (Secs. 2871, 3176, I. R. C.)

§ 189.100 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 189.99a. (Sec. 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

5. This Treasury decision is issued under the authority contained in sections 2816, 2829, 2871, and 3176, Internal Revenue Code (53 Stat. 312, 318, 331, 375; 26 U. S. C. 2816, 2829, 2871, 3176)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 19, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10308; Filed, Nov. 24, 1948; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order No. 16]

PART 4 — OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

REQUIREMENTS CONCERNING OFFICERS, CREW, EQUIPMENT, AND PASSENGERS

Rule 35, codified herein as § 4.33, is amended to read as follows:

§ 4.33 *Officer on bridge when vessel moving.* When a vessel is moving in Canal Zone waters, otherwise than as covered by section 4.31, the master of the vessel or his qualified representative shall be present at all times on the bridge, to keep the pilot informed concerning the individual peculiarities in the handling of the vessel, so that the pilot may be better able to control the navigation and movement of the vessel. (Sec. 5, 37 Stat. 562, sec. 10, 42 Stat. 1008, 47 Stat. 578; 48 U. S. C. 1318; E. O. 9746, July 1, 1946, 11 F R. 7329)

KENNETH C. ROYALL,
Secretary of the Army.

NOVEMBER 18, 1948.

[F. R. Doc. 48-10291; Filed, Nov. 24, 1948; 8:47 a. m.]

[Circular 737]

PART 31—OPERATION, USE AND MAINTENANCE OF THATCHER FERRY

By virtue of the authority vested in the Governor, subject to the approval of the Secretary of the Army, by section 342 of title 2 of the Canal Zone Code, the following regulations governing the operation,

use and maintenance of Thatcher Ferry, near the Pacific entrance of the Panama Canal, are hereby prescribed, effective October 1, 1948:

Sec.
31.1 Regulations applicable to Thatcher Ferry and its appurtenances.
31.2 Driving onto or upon ramp.
31.3 Parking on ferryboat.
31.4 Maximum weight of vehicles.
31.5 Conduct of passengers.
31.6 Smoking prohibited.
31.7 Fishing prohibited.
31.8 Explosives.
31.9 Punishment for violations.

AUTHORITY: §§ 31.1 to 31.9 issued under 46 Stat. 388.

§ 31.1 *Regulations applicable to Thatcher Ferry and its appurtenances.* The regulations in this part shall apply to Thatcher Ferry, which is maintained, near the Pacific entrance of the Panama Canal, between La Boca, on the eastern shore of the Canal, and Thatcher Highway, extending from the ferry landing on the western shore of the Canal, and to the operation, use and maintenance of such ferry and of its equipment, wharves, docks and approaches.

§ 31.2 *Driving onto or upon ramp.* No person shall drive a vehicle onto a ferry ramp, either from shore or from a ferryboat, until a signal to do so is given by the employee designated for the purpose, or shall operate a vehicle onto or upon a ferry ramp otherwise than slowly and with caution.

§ 31.3 *Parking on ferryboat.* A person driving a vehicle onto a ferryboat shall park the vehicle in the place and manner directed by the Master of the ferryboat or his representative, and shall turn off the motor and lights and apply the parking brakes of such vehicle.

§ 31.4 *Maximum weight of vehicles.* No vehicle weighing in excess of 20 tons (40,000 pounds) including load, shall be driven onto or upon a ferryboat or ramp.

§ 31.5 *Conduct of passengers.* (a) A pedestrian passenger shall board a ferryboat only at the time and in the manner directed by the Master or his representative, and shall proceed without delay to the area designated by the Master or his representative and remain therein until authorized to leave or to disembark.

(b) No passenger, pedestrian or vehicular, shall leave the immediate vicinity of the place to which he, or the vehicle in which he boarded the ferryboat, has been directed; shall lean against or climb or sit upon any vehicle other than the one in which he boarded the ferryboat; shall sit or stand upon any railing; or shall interfere in any way with the operation or mooring of the ferryboat.

(c) No person shall board any ferryboat after it has begun to leave its mooring in the ferry slip, or shall leave a ferryboat before it has been moored and disembarkation has been authorized by the Master or his representative.

§ 31.6 *Smoking prohibited.* No person shall smoke, on deck or in any vehicle, while on board a ferryboat.

§ 31.7 *Fishing prohibited.* No person shall fish from any ferryboat, ramp, or slip structure.

§ 31.8 *Explosives.* No person shall bring aboard a ferryboat any Class I explosives (as defined in paragraph 19 of the regulations prescribed by the Governor on October 1, 1946, governing the storage, transportation, handling, and use of explosives on all work under the control of The Panama Canal and the Panama Railroad Company) commercial shipment of fireworks or pyrotechnics, gasoline in tank trucks, or gasoline in excess of 50 gallons in portable containers: *Provided, however* That such explosives may be transported by ferry if specially authorized by the Superintendent, Dredging Division, The Panama Canal, when transportation over Miraflores Bridge or by other facilities is impracticable. No person shall bring aboard any gasoline in a portable container unless the container is a standard, substantial gasoline drum with a screw bung, or a metal can with a screw top, and is free from leaks, and unless an air space of at least two per centum of the total capacity of the container is left for expansion of the contents.

§ 31.9 *Punishment for violations.* Any person who shall violate any of the provisions of the regulations in this part shall be punishable, as provided in section 342 of title 2 of the Canal Zone Code, by a fine of not more than $100, or by imprisonment in jail for not more than thirty days, or by both.

Effective date. The regulations in this part shall become effective October 1, 1948.

F. K. NEWCOMER,
Governor.

Approved: November 18, 1948.

KENNETH C. ROYALL,
Secretary of the Army.

[F. R. Doc. 48-10292; Filed, Nov. 24, 1948; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 48-58]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

HYDROCHLORIC ACID IN BULK

A notice regarding proposed changes in the regulations for transportation of hydrochloric acid in bulk was published in the FEDERAL REGISTER dated August 11, 1948 (13 F. R. 4638) and a public hearing was held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

The purpose of this amendment to the regulations is to effect editorial changes and to permit certain practices to be employed by the industry in the construction or repair of tanks designed to carry hydrochloric acid in bulk, eliminate the requirements for radiographic and stress relief tests in the construction of tanks used in the transportation of hydrochloric acid in bulk, and to further change the regulations so that consistent practices in the construction of containers for the transportation of commercial acids in bulk will be allowed.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4472, and sec. 5 (e) 55 Stat. 244, as amended, 46 U. S. C. 170, 375, 50 U. S. C. 1275, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, the following amendment to the regulations is prescribed and shall become effective on and after date of publication of this document in the FEDERAL REGISTER since it allows consistent practices to be followed in the construction of containers for the transportation of commercial acids in bulk:

Section 146.23-13 is amended to read as follows:

§ 146.23-13 *Hydrochloric acid in bulk.* (a) Hydrochloric acid may be transported in bulk on board cargo vessels when laden in rubber or other approved lined tanks (pressure-vessel type) independent of the structure of the vessel. Tanks shall be designed for a pressure of not less than 50 pounds per square inch, and shall be constructed, inspected, and tested in compliance with the requirements for Class II arc-welded, unfired pressure vessels, as set forth in Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter, or in compliance with the requirements of Interstate Commerce Commission specification 103B or 103BW. (See also § 146.02-18.)

(b) An application for approval to engage in the transportation of hydrochloric acid in bulk on board vessels shall be made to the Commandant of the Coast Guard. Such application shall include plans of the structure of the vessel; plans of the design of the tank (except Interstate Commerce Commission approved tanks) showing thereon complete data covering materials to be used and method of fabrication; plans of the design indicative of the manner in which the tank is to be installed and secured on board the vessel; plans showing layout of piping, valves, and fittings forming part of the tank, and also piping, valves, and fittings to be installed on the vessel for use in loading or unloading hydrochloric acid in or from the tank. Plans shall be in sufficient detail to provide complete information with reference to the vessel, the tank, and the system of piping, valves, and other appurtenances.

(c) Independent tanks shall be so fitted as to provide sufficient space between the tank and any fixed structural part of the vessel, or in lieu thereof, the installation shall be such as it will be practicable to move said tanks, for inspection of the structure of the vessel and the tanks.

(d) Prior to the installation of the rubber or other approved lining, hydrochloric acid tanks shall have their interior surfaces prepared to receive the lining. Welds shall be chipped or ground smooth. The interior surface shall be thoroughly cleaned and maintained free of foreign matter during the lining

process. The rubber or other approved lining shall be of a type resistant to hydrochloric acid and shall be bonded to the plating. Piping forming the loading or discharge line, if of steel, shall be lined with rubber or other approved material to withstand the action of the lading. Flange connections shall be adequately protected from acid coming in contact therewith by means of rubber or other approved lining.

(e) (1) Piping, valves, and fittings used in the loading or unloading of hydrochloric acid shall be of material that will withstand the severe corrosive action of the acid.

(2) Piping may be one of the following materials:

(i) Steel pipe, with approved lining, not less than 2" inside diameter before lining.

(ii) Strong, acid resistant, pressure-suction type hose.

(iii) Hard rubber pipe.

(3) The flange connections, if of steel, shall be adequately protected from acid coming in contact therewith by means of rubber or other approved lining.

(f) (1) When air pressure is used for unloading acid, the air line shall include fittings installed in the following order:

(i) An "ell" having a flange on one end to connect with the air inlet flange on the tank with a full faced soft rubber gasket. The opposite end of the "ell" may consist of a flange or ordinary pipe connection to take either a pipe or flexible hose.

(ii) When desired an acid-resistant flexible hose of optional length may be installed between the "ell" and the fixed air piping leading to the compressor.

(iii) A bleeder valve to release air pressure.

(iv) A pop valve set to blow at 30 pounds pressure.

(v) An air gauge.

(vi) A pressure-reducing valve set at 30 pounds.

(vii) An air shutoff valve.

(viii) A water separator or trap.

(2) When it is desired to install these fittings as part of the shore system, the only portion of this assembly that is required to be part of the vessel's equipment shall consist of the "ell" the bleeder valve to release air pressure, the pop valve set to blow at 30 pounds per square inch pressure, and and air shutoff valve which shall be located at the dome of each tank.

(g) (1) Upon satisfactory completion of tests and inspection the following marking, at least ⅜" high, shall be stamped into the metal of the tank, or stamped into a noncorrodible name plate permanently attached to the tank by means of welding.

(Name and address of fabricator)
---- p. s. i. ---- p. s. i.
(Design pressure) (Shop test pressure)

(Inspector's number, initials, and CG symbol)

(Fabricator's serial number)
----U. S. gallons
(Water capacity)

(Date of manufacture)

(2) In addition to the markings required by this subparagraph and by the regulations in Parts 50 to 57, inclusive, in Subchapter F (Marine Engineering) of this chapter, the legend "Hydrochloric acid only" shall be stenciled or painted in block letters (such stenciling or lettering to be at least 2" high) upon the dome or upper portion of the tank in a position plainly visible under operating conditions. Lettering must be maintained legible at all times.

(h) Tanks approved for the transportation of hydrochloric acid shall not be used for the transportation of any other commodity, except upon specific authorization of the Commandant of the Coast Guard.

(j) Spent hydrochloric acid or hydrochloric acid adulterated by other chemicals, inhibitors, oils, solvents, water, etc., shall not be accepted or transported in bulk on board vessels in containers approved for the transportation of hydrochloric acid, except upon specific authorization of the Commandant of the Coast Guard.

(k) Loading or unloading of hydrochloric acid may be accomplished by use of acid pump, siphon, or compressed air method. Gravity loading is also permissible, provided the tank on the vessel is not subjected to a pressure greater than 30 pounds per square inch.

(l) Filling and discharge pipe connections shall be kept disconnected at the tank and the outlets shall be blanked off at the tank, except when actually loading or unloading the tank: *Provided, however* That such piping need not be disconnected when an efficient stop valve is fitted in the line in a location as close to the tank as is practicable.

(m) Filling or discharge connections shall not be detached until pressure in the tank and in the line has been completely released.

(n) If air pressure is used in either filling or discharging the lading of the tank, said air pressure shall not be in excess of 30 pounds per square inch at any time.

(o) Compressed air used for unloading shall be as free as possible from oil, moisture, or other foreign matter. To insure this the air supply shall be taken from the top of the air receiver (reservoir) This reservoir shall be drained at regular intervals. Compressor shall be disconnected from air lines at all times except when actually being used to fill or discharge contents of tank. The air lines shall be thoroughly blown out in a reverse direction before making connections to discharge acid. The open end of the air line at the point of connection to the shore system and tank shall be blanked off when not in use.

(p) Tools used in the operation of loading or unloading of the acid shall be kept clean and so used as to prevent damage to the lining of dome closures, piping, or fittings. A hammer or chisel shall not be used for loosening dome fittings, for connecting or disconnecting the filling, discharge, or air lines, or upon the tank at any time while it is filled with acid or is under discharge pressure.

(q) Gauging rods, if used, shall be of wood. The lower end of such rods shall be equipped with a soft rubber plug.

(r) Tools, bolts, nuts or other material dropped in a tank through dome openings shall be removed from the tank before the next loading.

(s) Organic solvents, oils, and greases, even in the most minute quantity, shall never be used where they come in contact with the coated surfaces of the tank, dome, opening covers, or discharge lines. To lubricate nuts or bolts, a mixture of flake graphite and glycerol shall be used.

(t) Tanks shall normally be kept closed to prevent sunlight from coming in contact with the lining. Connecting flanges of lined pipe shall, "when broken," be protected from the action of sunlight.

(u) The interior of the tank shall be protected from the weather. Water or other liquids shall not be introduced into tanks, except upon permission of competent authority. Persons shall not be permitted to enter tanks, except upon permission of competent authority.

(v) Before an Interstate Commerce Commission tank is first placed in service, the vessel owner shall furnish the Commandant of the Coast Guard a report certifying that the tank and its equipment comply with all the requirements of Interstate Commerce Commission specification 103B or 103BW (R. S. 4405, 4472, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 170, 375, 50 U. S. C. 1275, and section 101 of Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: November 17, 1948.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 48-10307; Filed, Nov. 24, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN THE LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED ORDER, AMENDING THE ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.) a public hearing was held at Louisville, Kentucky, on November 5, 1948, pursuant to a notice issued on October 30, 1948 (13 F. R. 6424)

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by the Falls Cities Cooperative Milk Producers' Association.

The material issues presented on the record of the hearing were whether:

1. The pricing provisions of Order No. 46, as amended, should be amended to provide Class I and Class II milk prices for a limited period in 1948 and 1949, but not beyond March 1949, at not less than the prices in effect for such classes in September 1948.

2. An emergency exists which warrants immediate effectuation of the proposed amendment to the order, as amended.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Falls Cities Cooperative Milk Producers' Association and the handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. The briefs contained statements in the nature of suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that any of the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions of this decision.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The Class I and Class II milk prices should not be less than $5.16 and $4.61 per hundredweight, respectively, from the effective date of this amendment through January 1949, and such prices for the month of February 1949 should not be less than $4.94 and $4.39 per hundredweight, respectively.

Under the present pricing provisions of the order the price for Class I and Class II milk is determined by adding specified differentials to the basic formula price.

Prices for Class I and Class II milk under the Louisville order declined 73 cents per hundredweight from July to October of this year. This decline was the result of lower prices paid by condenseries for milk for manufacturing uses and lower wholesale prices for butter which together determined the basic formula price for Class I and Class II milk under the Louisville order during this period. This decline in basic prices and in Class I and Class II prices to $4.965 and $4.415, respectively, has occurred during months when farm prices of milk for both the fluid market and for manufacturing uses would normally be expected to increase seasonally.

The producer proposal would provide that the price of Class I and Class II milk through March 1949 would not be less than the September 1948 price for such milk; $5.493 and $4.943, respectively. Producers contend that a contraseasonal movement of milk prices is not justified in view of the continuing high cost of producing milk. While there has been a substantial drop in the price of grain and other concentrates during recent months this drop in the price of concentrates has been offset to a considerable extent by increasing hay prices in the Louisville area. This increase in hay prices is a local situation brought about by a severe drought which affected much of the milkshed area, substantially reducing hay yields and deteriorating pastures, thus forcing farmers to open silos and start feeding hay much earlier than usual. Many producers in the milkshed, which is not normally considered a hay deficit area, already are buying hay and at prices which have increased as much as 25 percent in the past thirty days and more in relation to prices a year ago. The costs of labor, machinery, equipment, and other supplies which dairy farmers must buy are at least as high as, or higher than, the costs of the same items in earlier months. Roughages and labor make up a relatively greater portion of the producers' costs as cows are taken off of pasture and handled in the barn during the fall and winter months. Thus a number of the costs incurred in the production of milk in the Louisville milkshed have increased at the same time milk prices have declined. A continuation of the present relationship of milk prices to costs will seriously threaten the supply of milk for the Louisville market. The testimony indicated that with the relatively high prices for beef, farmers will curtail or even liquidate their herds. With the relatively large corn crop in the area producers are likely to turn to hog production under the prevailing favorable hog-corn ratio.

The contraseasonal movement of milk prices, happening at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels during the next few months in the Louisville milkshed. For five years a fall production premium plan has been in operation in this market for the primary purpose of increasing the supply of milk during the fall and winter months. To allow a drastic contraseasonal movement of prices at this time would tend to nullify the effect of the fall production premium plan. Although prices in October and prospective November prices have declined to unfavorable levels the stabilization of prices at a somewhat higher level beginning December 1 will provide producers the necessary assurance to carry them through the heavy feeding period of the year and will contribute to the seasonal pricing program of the market.

The record shows that Class I sales in the marketing area are running substantially above sales during the same period in 1947. During September Class I sales were 8.22 percent above sales during August 1948 and 4.64 percent above September 1947. At the same time production during September was only 1.25 percent above production a year ago and the seasonal decline in production during September as compared to August was 8.03 percent as compared to a decline of only 3.70 percent in the same period last year.

There is a substantial quantity of milk produced for manufacturing purposes in the Louisville supply area. It is generally accepted in the market that over a period of time fluid milk prices must maintain a relationship with manufacturing milk prices. If manufactured milk prices become established on a somewhat lower level it is to the best interest of the Louisville market at this time to make an adjustment to a lower level gradually as production normally tends to increase. At this time it is impossible to determine whether the recent drop in condensary prices and the general weakening of wholesale prices of dairy products represents a general decline in the level of prices or a temporary maladjustment in such prices. Even if it is a decline in the level of prices, it is not felt, under the present circumstances of continuing high production costs and generally short supply in the Louisville market, that a drastic contraseasonal movement of prices should prevail.

In view of the above-stated facts it appears reasonable that prices during December 1948 and January 1949 should not fall below the $5.16 level for Class I milk and $4.61 for Class II milk.

While costs have remained relatively high, nevertheless, the historical relationship between manufacturing milk

prices and prices to producers in the Louisville market indicates that a higher price than proposed herein could result in uneconomical marketing responses. The Class I and Class II prices in February 1949 should not decrease more than 22 cents from the corresponding prices in January. Producers will be assured that Class I prices will be higher than the October level of $4.96 for the months of December through January 1949 and of a gradual adjustment to a lower level of prices in early 1949 if such level then prevails. The establishment of fixed minimum prices for Class I and Class II milk through February 1949 is necessary to assure an adequate supply of pure and wholesome milk for the Louisville market. It is also particularly important to the maintenance of present herds for future supplies, and is necessary to promote orderly marketing and is in the public interest.

(2) An emergency exists which requires that action be taken promptly to amend the order, as amended, to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto. The testimony shows that under the prevailing conditions the decline in Class I and Class II prices is now seriously threatening the supply of milk for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order, as amended, would seriously threaten an adequate supply of pure and wholesome milk for the Louisville market, and would be contrary to the public interest.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to §§ 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Louisville, Kentucky, marketing area," and "Order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held November 5, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 946.4 (b) (1) and add the following: ": *Provided,* That for the delivery periods from the effective date of this ord ed through January 1949 the price for Class I milk shall not be less than $5.16; and that for the delivery period of February 1949 the price for Class I milk shall not be less than $4.94."

2. Delete the period (.) at the end of § 946.4 (b) (2) and add the following: ": *Provided,* That for the delivery periods from the effective date of this order through January 1949 the price for Class II milk shall not be less than $4.61, and that for the delivery period of February 1949 the price for Class II milk shall not be less than $4.39."

[F. R. Doc. 48-10287; Filed, Nov. 24, 1948; 8:46 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[9 CFR, Part 203]

NORTHWEST OKLAHOMA CATTLEMEN'S ASSOCIATION, INC.

INSPECTION OF LIVESTOCK

The Northwest Oklahoma Cattlemen's Association, Inc., Woodward, Oklahoma, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217), has made written application to the Secretary of Agriculture for authorization to charge and collect at posted stockyards a reasonable and non-discriminatory fee for the inspection of brands, marks and other identifying characteristics of livestock originating in or shipped from the counties of Beaver, Cimarron, Ellis,

Dewey, Harper, Major, Roger Mills, Texas, Woods and Woodward in the State of Oklahoma for the purpose of determining the ownership of such livestock, and the Secretary proposes to issue such an authorization to the Northwest Oklahoma Cattlemen's Association, Inc., in accordance with the provisions of the act referred to.

Therefore, notice is hereby given that any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-10303; Filed, Nov. 24, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TOBACCO INSPECTION AT TOBACCO AUCTION MARKET OF GLASGOW, KY.

NOTICE OF DETERMINATION RELEVANT TO NUMBER OF INSPECTORS

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.) and applicable regulations duly issued thereunder, it is hereby found that the tobacco auction market at Glasgow, Kentucky, which was duly designated for free and mandatory inspection under the act (6 F. R. 5478) and which has operated with two sets of tobacco inspectors assigned thereto for more than two full tobacco auction seasons ending with the tobacco auction season last past, has, in reliance on such prior assignments and with the expectation that two sets of tobacco inspectors would be assigned to such market for the ensuing tobacco marketing season of 1948–1949, perfected banking arrangements, purchased supplies, hired personnel, and scheduled tobacco deliveries, which actions cannot be rescinded prior to the beginning of such 1948–1949 tobacco auction season without extensive disruption of the Glasgow tobacco auction market and the incurrence of financial loss.

Wherefore, notice is hereby given that two sets of tobacco inspectors will be assigned to the Glasgow, Kentucky, tobacco auction market for the 1948–1949 tobacco marketing season, or such portion thereof as the volume of tobacco auctioned on such market warrants, and all prior notices of the assignment of inspectors to this market are modified accordingly.

[SEAL] RALPH S. TRIGG,
Administrator Production and Marketing Administration.

NOVEMBER 19, 1948.

[F. R. Doc. 48-10289; Filed, Nov. 24, 1948; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of the shipbuilding industries, of the U. S. Maritime Commission, and the National Military Establishment, and after expression of the views of industry, labor and the public generally at an open public hearing held on October 21, 1948) has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. *What this plan does.* This plan is in furtherance of a proposed program of the United States Maritime Commission for the construction, reconversion, and repair of merchant vessels. It sets up the procedure under which steel producers (hereinafter called producers) agree voluntarily to make steel products available to builders, reconverters and repairers of merchant vessels who comply with the provisions of this plan (hereinafter called participating builders) for use in the construction, reconversion, or repair of certain merchant vessels. For the purpose of this plan, the term "Merchant Vessels" means commercial steel self-propelled passenger, dry cargo, and passenger-cargo ships (other than tankers) which are (a) of 1,000 DWT or larger, (b) designed for, or employed in, ocean-going, coastal or Great Lakes use, and (c) in the case of vessels to be constructed or substantially altered, specifically designated by the U. S. Maritime Commission as being within the scope of this plan. The plan does not include provision for construction or repair of yard, way, or dock facilities.

2. *Agreement by steel producers.* Beginning with the month of January 1949 and continuing during the period this plan remains in effect, producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to participating builders a total of 10,190 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Structural Shapes	939
Bars	165
Pipe	236
Plate—under 5/8"	3,303
Plate—5/8" and over	2,234
Sheets—black	129
Sheets—galvanized	269
[1] Miscellaneous—for repairs	2,801
Total net tons per month	10,190

[1] Classification to be determined later.

Producers will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available.

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Producers will take credit against their commitments under this plan only for quantities delivered to participating builders on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the respective participating builders. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of steel products, the allocation of business among participating builders, or any limitation or restriction on the productions or marketing of any steel products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any steel products are actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942) submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the plan.

7. *Reports from participating builders.* Each participating builder will submit the following to the Secretary of Commerce:

(a) *Requirements report.* A report showing the quantities and types of (i) Merchant Vessels (as defined in paragraph 1 above) scheduled for construction, reconversion, or repair during each month under this plan, and (ii) steel products required therefor. The quantities and types of steel products to be made available monthly under the plan to individual participating builders will be determined by the Secretary of Commerce after consultation with the Merchant Vessel Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with that Committee.

(b) *Monthly steel consumption report.* A monthly report showing the total quantities and types of steel products (i) received by the participating builder from all sources during the preceding month for the construction, reconversion, or repair of Merchant Vessels and (ii) consumed by it during that preceding month for that purpose. Such a report should accompany the requirements report explained in paragraph 7 (a) above and, in addition, should subsequently be submitted within ten days after the end of each month during which the participating builder obtains steel products under this plan.

(c) *Other reports.* Such other relevant reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942)

8. *Obligations of participating builders.* By participation in this plan, each participating builder shall be obligated as follows: To use all products obtained under this plan solely for and in the construction, reconversion, or repair of Merchant Vessels (as defined in paragraph 1 above) not to resell or transfer any products so obtained under this plan in the form received by the participating builder; and not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this plan. If a participating builder becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders under this plan are to be placed with participating producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the following certification by the participating builder:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN, UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the construction, reconversion or repair of Merchant Vessels, and that this order is placed under, and in strict compliance with, the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant.

By ----------
(Title of duly authorized officer)

(Date)

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and of builders, reconverters, and repairers of Merchant Vessels by the Secretary of Commerce, any such producer, builder, reconverter, or repaier may become a paticipant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers, builders, reconverters, and repairers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949 now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this plan, in which event this plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified) However, the plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any producer or participating builder may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General) in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

Approved: November 5, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: November 3, 1948.

TOM C. CLARK,
Attorney General.

NOVEMBER 8, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Construction, Reconversion and Repair of Merchant Vessels has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form[1] for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Similar requests are being sent to other members of your industry.

This request will not be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the plan.

In accordance with paragraph 3 (a) of the Plan, the Secretary of Commerce will determine your allocation of steel products under the Plan.

It is essential, in carrying out the proposed plan, that I know as promptly as possible how many shipbuilders and repairers desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before November 15, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOVEMBER 8, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Construction, Reconversion and Repair of Merchant Vessels, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provision of Paragraph 3 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form[1] for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with Paragraph 3 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with the Department of Commerce Voluntary Plan for Allocation of Steel Products for Con-

[1] Filed with the original document.

struction, Reconversion, and Repair of Merchant Vessels listed on an attachment filed with the original document.

[F. R. Doc. 48-10290; Filed, Nov. 24, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-704, G-1143]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC. AND TRANS-CONTINENTAL GAS PIPE LINE CORP.

NOTICE OF OPINION NO. 165-A AND ORDERS

NOVEMBER 19, 1948.

Notice is hereby given that, on Noyember 18, 1948, the Federal Power Commission issued its Opinion No. 165-A and orders entered November 17, 1948, amending prior order in Docket No. G-704 and issuing certificate of public convenience and necessity in Docket No. G-1143.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10288; Filed, Nov. 24, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12203]

FRANZ JOSEPH SCHEUERMANN

In re: Estate of Franz Joseph Scheuermann, deceased. File No. D-28-12192; E. T. Sec. 16405.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz J. Scheuermann, Eduard Scheuermann, Maria Grimm, Clothilde Baier, Katharina Breunig, also known as Katharina Breuing, Rosa Roschner, Maria Gruber, Josef Schafer, and Adolf Schafer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Franz Joseph Scheuermann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10293; Filed, Nov. 24, 1948; 8:47 a. m.]

[Vesting Order 12204]

MARY SEHNHOLTZ

In re: Estate of Mary Sehnholtz, deceased. File No. D-28-12150; E. T. Sec. 16349.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Streithorst, whose last known address was, on April 27, 1948, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of $500.00 was paid to the Attorney General of the United States on November 18, 1947, by Herman W. Wellandt, as Executor of the estate of Mary Sehnholtz, deceased;

3. That the sum of $500.00 was accepted by the Attorney General of the United States on April 27, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on April 27, 1948, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10294; Filed, Nov. 24, 1948; 8:47 a. m.]

[Vesting Order 12205]

MERCK, FINCK & CO.

In re: Stock, bonds and bank account owned by, and debts owing to, Merck, Finck & Co. F-28-411-A-1, F-28-411-A-2, F-28-411-A-3, F-28-411-A-4, F-28-411-E-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Merck, Finck & Co., the last known addresses of which are Pfandhausstrasse 4, Munich, Germany, and Taubenstrasse 22, Berlin W8, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal places of business in Munich and Berlin, Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows: a. Two (2) shares of $1.00 par value common capital stock of The Pennroad Corporation, Delaware Trust Building, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered W2106, registered in the name of Ladenburg, Thalmann & Co., and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon.

b. Three (3) shares of $50.00 par value common capital stock of the Pennsylvania Railroad Company, Broad Street Station Building, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered N521031, registered in the name of Ladenburg, Thalmann & Co., and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

c. Twenty-five (25) shares of no par value common capital stock of the Radio Corporation of America, R. C. A. Building, Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced

by a certificate numbered 201639, registered in the name of Ladenburg, Thalmann & Co., and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

d. Four (4) Conversion Office for German Foreign Debts 3% Dollar Funding Bonds, in bearer form, of the face value and bearing the numbers set forth below:

$1,000	M012677
20 each	B268876/7
10	B121981

and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto.

e. Three (3) Wuertemberg 7% Bonds, in bearer form, of the face value and bearing the numbers set forth below:

$1 000	M5984
500 each	D610/11

and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

f. Two (2) Wuertemberg 7% Bonds, Series S, in bearer form, of $1,000 face value each, bearing the numbers M7202 and M7203, respectively, and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

g. Twelve (12) coupons, detached from Wuertemberg Associated Municipalities 7% Bonds, numbered M5361 and M5362, said coupons numbered 23 to 28 inclusive, and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

h. One (1) Conversion Office for German Foreign Debts Coupon, bearing the number 8, and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

i. That certain debt or other obligation owing to Merck, Finck & Co., by Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, in the amount of $66.88, as of September 30, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

j. Twenty (20) shares of common capital stock of The Cherokee Oil & Gas Co., evidenced by certificates numbered 355 for 16 shares and 581 for 4 shares, respectively, registered in the name of J. Nadelmann, and presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account entitled "Merck Finck & Co. Clients securities account," together with all declared and unpaid dividends thereon,

k. That certain debt or other obligation owing to Merck, Finck & Co., by H. Cassel & Co., 61 Broadway, New York 6, New York, in the amount of $126.02, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

l. Five (5) Kingdom of Hungary State Loan Sinking Fund Gold 4½% Bonds, in bearer form, of $1000 face value each, bearing the numbers M0308, M1408, M0269/70 and M2955, respectively, and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

m. That certain debt or other obligation owing to Merck, Finck & Co., by the Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Merck, Finck & Co., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

n. Ten (10) shares of common capital stock of The Cherokee Oil & Gas Co., evidenced by certificates numbered 362 and 577, respectively, registered in the name of Moritz Wolfsohn, and presently in the custody of Ernest Gottlieb, Room 2205, 61 Broadway, New York 6, New York, as liquidator of Amsterdamsch Effecten-en Bankierskantoor N. V., Willemstad, Curacao, In Liquidation, together with all declared and unpaid dividends thereon, and

o. One (1) receipt for 10 shares of capital stock of Cherokee-Warren Oil & Gas Co., evidenced by a certificate numbered 354, said receipt presently in the custody of Ernest Gottlieb, Room 2205, 61 Broadway, New York 6, New York, as liquidator of Amsterdamsch Effecten-en Bankierskantoor N. V., Willemstad, Curacao, In Liquidation, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Merck, Finck & Co., the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10295; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12293]

SAICHIRO SAKURAI AND Y. TAKAKUWA & CO.

In re: Debts owing to Saichiro Sakurai and to Y. Takakuwa and Company. F-39-6052-C-1, F-39-3683-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saichiro Sakurai, whose last known address is c/o Takakuwa Shoten, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That Y. Takakuwa and Company, the last known address of which is Kobe, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Kobe, Japan, and is a national of a designated enemy country (Japan),

3. That the property described as follows: That certain debt or other obligation owing to Saichiro Sakurai by Shujiro Takakuwa, doing business as Oimatsu Shoten, 752 Richards Street, Honolulu, T. H., arising out of an open trade account, in the amount of $166.25, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Saichiro Sakurai, the aforesaid national of a designated enemy country (Japan),

4. That the property described as follows: That certain debt or other obligation owing to Y. Takakuwa and Company, by Shujiro Takakuwa, doing business as Oimatsu Shoten, 752 Richards Street, Honolulu, T. H., arising out of an open trade account, in the amount of $264.41, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Y. Takakuwa and Company, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10297; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12290]

CHOKICHI OKADA

In re: Stock and a bank account owned by Chokichi Okada, also known as C. Okada, as Joseph C. Abe and as Joseph Chokichi Abe. F-39-442-A-1, F-39-442-D-1, F-39-442-C-1, F-39-442-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chokichi Okada, also known as C. Okada, as Joseph C. Abe and as Joseph Chokichi Abe, whose last known address is Amakusa-gun, Kumamoto Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: a. Six (6) shares of $20 par value common capital stock of The Provision Company, Ltd., P. O. Box 1834, Honolulu 5, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 64 for one (1) share and Certificate Number 67 for five (5) shares, registered in the name of C. Okada, and presently in the custody of George Okada, 1442 Emma Street, Honolulu 39, T. H., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Chokichi Okada, also known as C. Okada, as Joseph C. Abe and as Joseph Chokichi Abe, by Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 40941, entitled C. Okada, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10296; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12295]

SETSU TAKAMORI

In re: Bonds owned by Setsu Takamori. F-39-1705-A-1, F-39-1705-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Setsu Takamori, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Eight (8) Toyo Takushoku Kabushiki Kaisha (Oriental Development Company, Limited) Thirty Year External Loan 6% Gold Debenture Bearer Bonds, of $1,000 face value each, due March 1953, bearing the numbers M 3586, M 6271, M 7063, M 7064, M 7065, M 7497, M 10451 and M 12826, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10233; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12364]

PHILIPP MEID

In re: Estate of Philipp Meid, deceased. File No. D-28-11686; E. T. Sec. 15893.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Meid, Anna Hechler, Gretchen Rachel, and Gretchen Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Philipp Meid, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany)

3. That such property is in the process of administration by Winfield De Witt, as Executor, acting under the judicial supervision of the Surrogate's Court, County of Queens, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10304; Filed, Nov. 24, 1948; 8:49 a. m.]

[Vesting Order 12321]

KATSU SUZUKI AND FLORENCE KIKUE SUZUKI

In re: Bank account owned by Katsu Suzuki and Florence Kikue Suzuki. D-39-18082-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsu Suzuki and Florence Kikue Suzuki, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 140452, entitled Katsu Suzuki and Florence Kikue Suzuki, Either or Survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katsu Suzuki and Florence Kikue Suzuki, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10299; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12323]

LOUISE VOLLMER

In re: Debt owing to Louise Vollmer. F-28-29163-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Vollmer, whose last known address is Gottesauer Str. 35, Karlsruhe, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the First National Bank, Joliet, Illinois, payable to Louise Vollmer, dated January 29, 1942, numbered P-548175 and in the amount of $318.13, said check representing the fifth (final) dividend on Claim No. 4824 against the Will County National Bank of Joliet, Joliet, Illinois, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10300; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12332]

ALBERT BIER AND CATHERINE BIER

In re: Bonds owned by Albert Bier and Catherine Bier, also known as Katherine Bier. F-28-791-D-1, F-28-13435-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Bier and Catherine Bier, also known as Katherine Bier, whose last known address is Kirchaich cel Eltmann am Main, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one (1) 8904-148th Street Corporation Second Mortgage 6% Bond of $1,730 principal amount, bearing the number 48, registered in the name of Albert and Catherine Bier, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albert Bier and Catherine Bier, the aforesaid nationals of a designated enemy country (Germany),

3. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one (1) 8904-148th Street Corporation Second Mortgage 6% Bond of $865 principal amount, bearing the number 67, registered in the name of Katherine Bier, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katherine Bier, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10302; Filed, Nov. 24, 1948; 8:49 a. m.]